In the Drawings:

The Applicant submits herewith replacement drawing sheets for Figures 6, 7A-7D, 8, 9A, 9B, and 10. No new matter is introduced in these replacement drawings.

REMARKS

The Applicant has received and reviewed the Official mailed by the Office on 10 January 2006 (hereinafter, the "Action").

The Applicant previously elected claims 1-27 for examination without traverse, and thus claims 1-27 are pending. Claims 28-66 are withdrawn. For convenience, these remarks are organized under appropriate heading, as indicated below.

Drawing Objections

Paragraph 1 of the Action stated objections to Figures 6, 7A-7D, 8, 9A, 9B, and 10 of the drawing figures. In response thereto, the Applicant submits replacement drawing sheets for Figures 6, 7A-7D, 8, 9A, 9B, and 10. The Applicant requests reconsideration and withdrawal of the objections stated in Paragraph 1 of the Action.

Informalities in the Specification and Claims

Paragraph 2 stated an objection to the specification, citing an informality in Paragraph [0041] thereof. The Applicant has addressed this informality as indicated in the replacement Paragraph [0041] above. The Applicant requests reconsideration and withdrawal of the objection stated in Paragraph 2 of the Action.

Paragraph 3 stated objections to claims 1-27, citing informalities in claims 1 and 19, claim 8, and claim 13. The Applicant has addressed these informalities in the listed claims, and requests reconsideration and withdrawal of the objections stated in Paragraph 3 of the Action.

Rejections under 35 U.S.C. § 112, 1st Paragraph

Paragraph 5 of the Action stated rejections of claims 1-18 and 22-27 under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the enablement requirement. The Applicant respectfully traverses these rejections for the reasons stated below.

Paragraph 6 stated rejections of claims 10 and 22, noting the claim language "calculating outcome data" in particular. The Applicant submits that the specification provides several examples of "outcomes research" and "outcome information" in, for example, Paragraphs [0065] and [0066]. The Applicant submits also that these paragraphs enable the claim language "calculating outcome data". More particularly, Paragraph [0066] provides an example of sending e-mails recommending mammogram procedures to women over forty years of age. In light of these comments, the Applicant requests reconsideration and withdrawal of the rejections of claims 10 and 22 as stated in Paragraph 6 of the Action.

Paragraph 7 stated rejections of claims 11, 12, and 23, noting the claim language "calculating service usage" in particular. Without conceding the

propriety of the stated rejection, and only to advance prosecution of this matter, the Applicant has amended claims 11 and 23 as indicated above. The Applicant submits that these revisions to claim 11 are supported at least by Paragraph [0087]. In light of these revisions to claims 11 and 23, the Applicant requests reconsideration and withdrawal of the rejections of claims 11, 12, and 23 as stated in Paragraph 6 of the Action.

Paragraph 8 stated rejections of claims 13-15 and 24, noting the claim language "calculating performance metrics ..." in particular. However, the Applicant submits that the specification describes in, for example, Paragraph [0075] a process by which service providers may query feedback statistics relating to their performance. For convenience, the Applicant reproduces part of Paragraph [0075] here:

> [0075] All service providers may require administrative information concerning billing, or scheduling, for example appointment scheduling. The system according to the invention also provides all service providers with the ability to query feedback statistics on their performance. This feature gives service providers information needed to upgrade their performance in areas users identify as deficient. All service provider

The Applicant also reproduces Paragraph [0086] here for convenience:

> **[0086]** At the end of the conference, Steve receives an inquiry
> concerning the appointment he just had with his doctor. Steve fills out an
> inquiry form, which is transmitted to the database as part of the
> assessment process for the service provider. Steve also receives from
> server 101 on-line information detailing the results of his consultation,
> including patient instructions, precautions, follow-up information and

In the example described in Paragraph [0086], the patient (Steve) completes an assessment form which is used as part of the assessment process for the service provider. In this example, the service provider is a doctor who treated Steve for a cough.

The Applicant submits that at least the above paragraphs enable the claim language "calculating performance metrics by service providers". In light of these comments, the Applicant requests reconsideration and withdrawal of the rejections of claims 13-15 and 24 as stated in Paragraph 8 of the Action.

Paragraph 9 stated rejections of claims 16-18 and 25-27, noting the claim language "wherein the service response is determined based on ..." in particular. However, the Applicant submits that the specification describes an example of a scenario in which a patient named Steve discusses a medical condition during a videoconference with his physician, and receives treatment for the medical condition as a result of this conference. Paragraphs [0081] through [0088] describe this scenario from start to finish. Because of the length of this

description, the Applicant does not reproduce it here in its entirety, but does reproduce portions of this description below.

Turning to claims 16 and 25, the Applicant reproduces part of Paragraph [0084] for convenience:

[0084] When the doctor is available, server 101 interrupts Steve's access to links in the virtual waiting room and connects the videoconference. As the videoconference begins, the doctor becomes convinced that like many patients that day, Steve's cold has developed into a secondary bronchitis. Reviewing the medical history and talking with Steve, the doctor is confident that Steve will benefit from a short course of an antibiotic and mild cough suppressant/expectorant combination. He reviews Steve's record and finds no contradiction for prescribing Erythromycin. Steve instructs the doctor to send the prescription directly to the on-line pharmacy which will then deliver the prescription to Steve's office by the end of the day. Steve also asks about high blood pressure and the doctor advises him concerning periodic checks of his blood pressure numbers.

The Applicant submits that the foregoing description of the doctor reviewing Steve's medical history and records to diagnose Steve's condition as secondary bronchitis and to prescribe an appropriate antibiotic enables the features recited in claims 16 and 25.

Turning to claims 17 and 26, the Applicant notes that Paragraph [0084] as reproduced above describes how Steve may instruct an on-line pharmacy to deliver the prescribed medications directly to Steve's office by the end of the day. In light

of this description, the Applicant submits that the above description fully enables the features described in claims 17 and 26.

Turning to claims 18 and 27, the Applicant notes that Paragraph [0084] as reproduced above describes how the doctor diagnoses Steve's condition based on Steve's reported symptoms, and based on similar symptoms reported by other patients. In light of this description, the Applicant submits that the above description fully enables the features described in claims 17 and 26.

The Applicant submits that the specification fully enables the features recited in claims 16-18 and 25-27, and requests reconsideration and withdrawal of the § 112, 1st paragraph, rejections of claims 16-18 and 25-27.

Rejections under 35 U.S.C. § 112, 2nd Paragraph

Paragraph 11 of the Action stated rejections of claims 1-27 under 35 U.S.C. § 112, 2nd paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant respectfully traverses these rejections for the reasons stated below.

Paragraph 12 of the Action cited portions of claims 1 and 19 as allegedly being indefinite. Turning first to claim 1, without conceding the propriety of the stated rejections, and only to advance the prosecution of this matter, the Applicant has clarified certain features recited in claim 1. For convenience, the Applicant has reproduced portions of claim 1 here, with revisions shown in redline:

"determining a user type associated with the service request;

providing a menu of service request options corresponding to the determined user type;

receiving a ~~selected~~ selection of one of the service request options from the user;

determining a service response to the service request based on information related to the user;

providing personal services to the user in accordance with the selected service request option and the determined service response; ~~and~~

recording interactions while providing the ~~selected~~ selectionservice request option; and"

The Applicant requests reconsideration and withdrawal of the § 112, 2nd paragraph, rejection of claim 1. Similar clarifications are made to claim 19, and the above comments directed to claim 1 apply equally to claim 19.

Paragraph 13 of the Action cited portions of **claims 11 and 12** as allegedly being indefinite. Without conceding the propriety of the stated rejection, and only to advance the prosecution of this matter, the Applicant has amended claim 11 to clarify the computer-implemented method.

For convenience, the Applicant reproduces claim 11 here, with redlines shown:

"11. (Currently Amended) The computer implemented method according to claim 9, further comprising ~~the steps of~~:

~~calculating service usage by~~ storing data that is generated during a service session in which the service request is processed, and classifying the data by user, service type, and outcomes; and

providing calculated service usage to an administrator."

The Applicant submits that the revisions to claim 11 are fully supported under § 112, 1st paragraph, at least by Paragraph [0089] of the specification. The Applicant requests consideration of the revisions to claim 11, and reconsideration and withdrawal of the § 112, 2nd paragraph, rejection of claim 11.

Claim 12 depends from claim 11, and the foregoing comments directed to claim 11 apply equally to claim 12.

Paragraph 14 of the Action cited portions of **claims 16-18** as allegedly being indefinite. Without conceding the propriety of the stated rejection, and only to advance the prosecution of this matter, the Applicant has amended claim 16 to clarify the computer-implemented method.

For convenience, claims 16-18 are reproduced below, with revisions shown in redline:

"16.   (Currently Amended) The computer implemented method according to claim 2, wherein the service response is determined based on information related to ~~the~~ a medical history of the ~~user~~patient.

17.   (Currently Amended) The computer implemented method according to claim 2, wherein the service response is determined based on information related to a work schedule of the ~~user~~patient.

18.   (Currently Amended) The computer implemented method according to claim 2, wherein the service response is determined based on information related to an estimated condition of the ~~user~~patient."

Claims 16-18 depend from **claim 2**, which has been clarified as indicated here:

"2.   (Currently Amended) The computer implemented method according to claim 1, wherein the personal services comprise[[s]] healthcare related services, wherein the groups are respective employers, wherein the user is an employee of one of the employers and is receiving the healthcare related services; and

further comprising delivering at least one healthcare-related recommendation to the user, wherein the communication is defined based on rules applicable to the interactions."

The Applicant submits that the above clarifications to the claims, along with the extensive working example provided in the specification from Paragraphs [0081] through [0088], describing Steve's on-line visit with his physician, overcome the § 112, 2nd paragraph, rejections stated in Paragraph 14 of the Action.

Paragraph 15 of the Action stated rejections of claims 1-27 under 35 U.S.C. § 112, 2nd paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. The Action cited MPEP § 2172.01, which the Applicant reproduces here for convenience, with italics added by the Applicant:

2172.01 Unclaimed Essential Matter [R-1]

A claim which omits matter disclosed to be essential to the invention *as described in the specification or in other statements of record* may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c). Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention.

In addition, a claim which fails to interrelate essential elements of the invention *as defined by applicant(s) in the specification* may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976); *In re Collier*, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968). >But see *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965) ("[I]t is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result"); *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965) (A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.).<

As clearly stated in the italicized portions of the MPEP above, the "essential" matter must have been described as such in the specification or in other statements of record. However, the Applicant has not described any subject matter as "essential", neither in the specification nor in any other statements of record. Thus, the Applicant submits that MPEP § 2172.01 does not apply to claims 1-27.

On at least this basis, the Applicant requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of claims 1-27.

Paragraph 16 of the Action cited the term "administrator/administration" appearing anywhere in the claims, as allegedly being indefinite. In response, the Applicant submits that the term "administrator" is fully supported and defined, for example, in connection with the "administrator computers" 111 as illustrated in Figure 1. Additionally, the term "administrator" is described in Paragraphs [0059], [0062]-[0063], [0066], and [0071]. The term "administration" is fully supported in Figure 2, as illustrated by the menu items shown under block 211, and as described in Paragraphs [0074] and [0075].

In light of this teaching in the Applicant's specification and drawings, the Applicant submits that the claim terms "administrator" and "administration" would be readily understood by those of skill in the art. On at least this basis, the Applicant requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of the claims as stated in Paragraph 16 of the Action.

Paragraph 17 of the Action cited the term "communication" as allegedly being indefinite. In response, the Applicant submits that the term "communication" as it appears in, for example, claim 4 is fully supported by the specification. For instance, Figure 4 illustrates items that may appear on a service provider menu, and illustrates three forms of communication: email, videoconference, and phone. Figure 4 is described at least in Paragraph [0080].

In light of this teaching in the Applicant's specification and drawings, the Applicant submits that the claim term "communication" would be readily understood by those of skill in the art. On at least this basis, the Applicant requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of the claims

as stated in Paragraph 17 of the Action.

Paragraph 18 of the Action cited the term "service partner" as allegedly being indefinite. In response, the Applicant submits that the term "service partner" as it appears in, for example, claims 3 and 8 is fully supported by the specification. For instance, Figure 2 illustrates a service partner at block 220, and illustrates examples of items that may be included in a menu that is presented to a service partner. For example, this menu may include new items, a query capability, and a data upload capability. Block 220 is described at least in Paragraph [0078], which is reproduced below:

[0078] If the request is not from a research service as determined at step 217, then at step 220 the system determines if the request comes from a service partner or information provider computer 109. If so, at step 221 server computer 101 transmits a message to display the service partner or information provider menu. Figure 2 illustrates a sample menu to include news, or a performance query used by the information provider to determine how well its information is serving the needs of the user community. A response to such a query from the server computer would include suitability and assessment information which the information provider can evaluate. Another option is for the information provider to upload knowledge content to the server 101 in the form of data or other information. If at step 220 the server computer determines that no user type corresponds to the service request received, an error message is transmitted to the computer generating the request as shown at step 223.

In light of this teaching in the Applicant's specification and drawings, the Applicant submits that the claim term "service partner" would be readily understood by those of skill in the art. On at least this basis, the Applicant requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of the claims

as stated in Paragraph 18 of the Action.

Paragraph 19 of the Action cited the terms "outcome data/information" as allegedly being indefinite. In response, the Applicant submits that the terms "outcome information" or "outcome data" as they appear in, for example, claims 9, 10, 21, and 22 are fully supported by the specification. For instance, Paragraphs [0065] and [0066] describe "outcomes research", as well as rules and outcome information.

In light of this teaching in the Applicant's specification, the Applicant submits that the claim terms "outcome information" or "outcome data" would be readily understood by those of skill in the art. On at least this basis, the Applicant requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of the claims as stated in Paragraph 19 of the Action.

Paragraph 21 of the Action stated rejections of claim 16 for antecedent basis issues. Claim 16 is amended as indicated above to recite "a medical history of the user". On at least this basis, the Applicant requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of claim 16 as stated in Paragraph 21 of the Action.

Rejections under 35 U.S.C. § 102

Paragraph 23 of the Action stated rejections of claims 1-3, 9-12, and 16-23, and 25-27 as being anticipated under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,911,132 to Sloane ("Sloane"). The Applicant respectfully traverses these rejections.

Turning first to **independent claim 1**, without conceding the propriety of the stated rejections, and without conceding that Sloane provides the teaching for which it is cited, the Applicant has amended claim 1 as indicated above to clarify

further features of the computer implemented method. For convenience, the Applicant reproduces claim 1 here, with revisions shown in redline:

"1.   (Currently Amended) A computer implemented method of providing personal services over a computer network to members of at least one of a plurality of predefined groups, the method comprising the steps of:

receiving a service request from a user who is a member of one of the groups;

determining a user type associated with the service request;

providing a menu of service request options corresponding to the determined user type;

receiving a selected selection of one of the service request options from the user;

determining a service response to the service request based on information related to the user;

providing personal services to the user in accordance with the selected service request option and the determined service response; and

recording interactions while providing the selected selectionservice request option; and

presenting statistical information related to the interactions to an administrator associated with the one group."

The Applicant submits that the specification fully supports the revisions to claim 1. More particularly, Paragraph [0055] describes "members of at least one of a plurality of predefined groups," and Paragraph [0062] describes "presenting statistical information related to the interactions to an administrator associated with the one group."

Turning to the cited art, Sloane pertains generally to a method using a central epidemiological database. While Sloane's Figure 1 illustrates a patient 11, Sloane appears to treat each patient on a standalone basis. As such, the Applicant submits that Sloane does not disclose "receiving a service request from a user who is a member of one of the groups", as recited in claim 1.

Additionally, the Applicant submits that Sloane does not disclose "presenting statistical information related to the interactions to an administrator associated with the one group", as recited in claim 1. As discussed above, Sloane does not disclose grouping its patients, and also does not disclose an administrator associated with such groups.

On at least this basis, the Applicant submits that Sloane does not support a § 102 rejection of claim 1, and requests consideration and withdrawal of the § 102(b) rejection of claim 1.

Claims 2-3, 9-12, and 16-18 depend directly or indirectly from claim 1, and stand rejected on similar grounds. Accordingly, the above comments directed to claim 1 apply equally to these dependent claims.

In addition to the foregoing comments directed to claim 2, the Applicant has also amended claim 2 to clarify additional features of the computer implemented method. For convenience, the Applicant reproduces claim 2 here, with revisions shown in redline:

"2.   (Currently Amended) The computer implemented method according to claim 1, wherein the personal services comprise[[s]] healthcare related services, wherein the groups are respective employers, wherein the user is an employee of one of the employers and is receiving the healthcare related services ; and

further comprising delivering at least one healthcare-related recommendation to the user, wherein the communication is defined based on rules applicable to the interactions."

The Applicant submits that the specification fully supports the revisions to claim 2.   More particularly, Paragraph [0055] describes "groups [that] are respective employers, wherein the user is an employee of one of the employers and is receiving the healthcare related services," and Paragraph [0066] describes "delivering at least one communication to a recipient, wherein the communication is defined based on rules applicable to the interactions."

Turning to Sloane, the Applicant submits that Sloane does not disclose at least the features recited above in claim 2.   On at least this basis, the Applicant submits that Sloane does not support a § 102 rejection of claim 2, and requests consideration and withdrawal of the § 102(b) rejection of claim 2 and all claims depending therefrom.

Turning to **independent claims 19 and 20**, the Applicant has amended claims 19 and 20 to clarify additional features of the computer readable storage medium and the system, respectively.   The revisions to claims 19 and 20 are similar to the revisions to claim 1 that were discussed above.   Thus, the above comments directed above to claim 1 apply equally to claims 19 and 20.

On at least this basis, the Applicant submits that Sloane does not support § 102 rejections of claims 19 and 20, and requests consideration and withdrawal of the § 102(b) rejections of claims 19 and 20, and all claims depending therefrom.

Claims 21-23 and 25-27 depend form claim 20, and the foregoing comments directed to claim 20 apply equally to claims 21-23 and 25-27. On at least this basis, the Applicant submits that Sloane does not support § 102 rejections of claims 21-23 and 25-27, and requests consideration and withdrawal of the § 102(b) rejections of claims 21-23 and 25-27.

Rejections under 35 U.S.C. § 103

Paragraph 36 of the Action stated rejections of claims 4-8 under 35 U.S.C. § 103(a) as being unpatentable over Sloane. The Applicant respectfully traverses these rejections.

Claims 4-8 depend from independent claim 1, which was discussed above. Therefore, the comments directed to claim 1 above apply equally to claims 4-8. More specifically, the Applicant submits that Sloane not only fails to support a § 102 rejection of claim 1, but also fails to support a § 103 rejection of claims 4-8.

On at least this basis, the Applicant submits that Sloane does not support § 103 rejections of claims 4-8, and requests consideration and withdrawal of the § 103 rejections of claims 4-8.

Paragraph 37 of the Action stated rejections of claims 13-15 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Sloane. The Applicant respectfully traverses these rejections.

Claims 13-15 depend from independent claim 1, which was discussed above. Therefore, the comments directed to claim 1 above apply equally to claims 13-15. More specifically, the Applicant submits that Sloane not only fails to

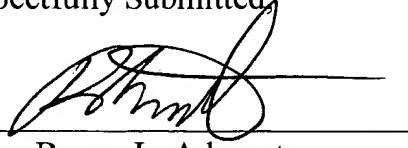support a § 102 rejection of claim 1, but also fails to support a § 103 rejection of claims 13-15.

Claim 24 depends from independent claim 20, which was discussed above. Therefore, the comments directed to claim 20 above apply equally to claim 24. More specifically, the Applicant submits that Sloane not only fails to support a § 102 rejection of claim 1, but also fails to support a § 103 rejection of claim 24.

On at least this basis, the Applicant submits that Sloane does not support § 103 rejections of claims 13-15 and 24, and requests consideration and withdrawal of the § 103 rejections of claims 13-15 and 24.

Conclusion

The Applicant respectfully requests favorable action on elected claims 1-27 at the earliest convenience of the Office. If personal discussion would advance prosecution of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Date: 12 JUN 06

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